

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MARIJUANA REGULATORY AGENCY

In the Matter of

Pharmaco, Inc. dba Roots  
ERG No.: 000091  
License No.: PC-000261  
ENF No.: 20-00010

CMP No.:19-000277

FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against Pharmaco, Inc., dba Roots (“Respondent”) alleging upon information and belief as follows:

1. The Marijuana Regulatory Agency (MRA) is authorized under the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and Executive Reorganization Order No.2019-2, MCL 333.27001, to investigate alleged violations of the MMFLA and administrative rules promulgated thereunder, take disciplinary action to prevent such violations, and impose fines and other sanctions against applicants and licensees that violate the MMFLA or rules.

2. Section 402(12) of the MMFLA provides that the expiration of a license does not terminate the MRA’s authority to impose sanctions on the license.

3. Section 206(c) of the MMFLA provides that the administrative rules must ensure the health, safety, and security of the public and integrity of the marijuana facility operations.

4. Respondent’s conduct as described below is a risk to public health and safety and/or the integrity of marijuana facility operations.

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2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909  
[www.michigan.gov/MRA](http://www.michigan.gov/MRA)

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FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE MRA

5. Respondent holds an active state operating license under the MMFLA to operate medical marihuana provisioning center in the state of Michigan.

6. Respondent operated at 3557 Wilder Rd., Bay City, Michigan, 48706 at all times relevant to this complaint.

7. Following an investigation that was completed on September 4, 2019, the MRA determined that Respondent violated the MMFLA and/or administrative rules promulgated thereunder as set forth below:

- a. Respondent had unlicensed and untested caregiver product on display and for sale without statewide monitoring system (METRC) tags. Respondent had at its facility marihuana products that were not identified and recorded in the statewide monitoring system in violation of Mich Admin Code R 333.236 (1).
- b. Respondent had marijuana products at its facility that were received prior to April 30, 2019, but not entered in METRC until August 28, 2019. Respondent failed to immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in the rules in violation of Mich Admin Code R 333.236(2).
- c. Respondent was using preexisting METRC tag numbers (1A40501000028A3000000491- "House Shake/Trim" [METRC tag #491] and 1A40501000028A3000000493- "Variety House Units" [METRC tag # 493]) to process numerous sales of marijuana products ("Cannaboys") between July 26 and October 19, 2019. Respondent did not identify and track all inventories of marihuana products consistently in the statewide monitoring system under the MMFLA, the marihuana tracking act or the administrative rules in violation of Mich Admin Code R 333.238 (1).

THEREFORE, based on the above, the MRA gives notice of its intent to impose fines and/or other sanctions against Respondent's license, which may include the suspension, revocation,

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restriction, and/or refusal to renew Respondent's license.

Under MCL 333.27407(4) and Mich Admin Code, R 333.29494(2), any party aggrieved by an action of the MRA suspending, revoking, restricting, or refusing to renew a license, or imposing a fine, shall be given a hearing upon request. A request for a hearing must be submitted to the MRA in writing within 21 days after service of this complaint. Notice served by certified mail is considered complete on the business day following the date of the mailing.

Respondent also has the right to request a compliance conference under Mich Admin Code, R 333.294(1). A compliance conference is an informal meeting at which Respondent has the opportunity to discuss the allegations in this complaint and demonstrate compliance under the MMFLA and/or rules. A compliance conference request must be submitted to the MRA in writing.

Hearing and compliance conference requests must be submitted in writing by one of the following methods.

By Mail: Department of Licensing & Regulatory Affairs  
Marijuana Regulatory Agency  
P.O. Box 30205  
Lansing, Michigan 48909

In Person: Department of Licensing & Regulatory Affairs  
Marijuana Regulatory Agency  
2407 North Grand River  
Lansing, Michigan 48906

If Respondent fails to timely respond to this formal complaint, a contested case hearing will be scheduled to resolve this matter. The MRA reserves the right to review the formal complaint and amend it should this matter proceed to a contested case hearing.

Questions about this complaint should be directed to the Marijuana Regulatory Agency's legal section at (517) 284-8599 or [MRA-LegalHearings@michigan.gov](mailto:MRA-LegalHearings@michigan.gov).

Dated: 03/05/2020

**MARIJUANA REGULATORY AGENCY**

By:   
Kavita Kale, Enforcement Division Director

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**PROOF OF SERVICE**

I hereby certify that on the date below, I mailed a copy of the Formal Complaint dated March 5, 2020, in the above captioned case by certified mail (return receipt requested) to:

Pharmaco, Inc., dba Roots  
22000 Northwestern Hwy.  
Southfield, MI 48075

With a copy to:

Scott Roberts  
Scott F. Roberts Law PLC  
500 Temple St Ste 2M  
Detroit, MI 48201-2659



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Abby Rae Brooks  
Departmental Technician  
Marijuana Regulatory Agency  
Department of Licensing & Regulatory  
Affairs